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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/365,613	08/02/1999	GUNTER WOLF		2005

7590

11/07/2002

MANATT, PHELPS & PHILLIPS, LLP  
1001 PAGE MILL ROAD  
BUILDING 2  
PALO ALTO, CA 94304-1006

EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 11/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/365,613 08/02/99 WOLF

G

QM12/0118  
ROBERT W BECKER & ASSOCIATES  
11896 N HIGHWAY 14  
SUITE B  
87059 TIJRAS  
MEXICO

AIR MAIL

EXAMINER
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DEXTER, C	
ART UNIT	PAPER NUMBER

3724  
DATE MAILED:

01/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**

Application No.

09/365,613

Applicant(s)

Wolf et al.

Examiner

Clark F. Dexter

Group Art Unit

3724



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

☒ Claim(s) 1-17 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 1-17 are subject to restriction or election requirement.

**Application Papers**

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☒ received in Application No. (Series Code/Serial Number) 08/900,101.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3724

## **DETAILED ACTION**

### ***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-15, drawn to a mold, classified in class 425, subclass 470.
- II. Claims 16 and 17, drawn to a grip for a working tool, classified in class 30, subclass 383.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case, the product as claimed can be made by another and materially different apparatus.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Art Unit: 3724

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cf  
September 20, 2000

# NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 8/2/99 are:

- A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.  
 B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

<p>1. DRAWINGS. 37 CFR 1.84(s): Acceptable categories of drawings:          Black ink. Color drawings are not acceptable until petition is granted.          Fig(s) _____          Pencil and non black ink not permitted. Fig(s) _____</p> <p>2. PHOTOGRAPHS. 37 CFR 1.84 (b)          1 full-tone set is required. Fig(s) _____          Photographs not properly mounted (must use bristol board or photographic double-weight paper). Fig(s) _____          Poor quality (half-tone). Fig(s) _____</p> <p>3. TYPE OF PAPER. 37 CFR 1.84(e)          Paper not flexible, strong, white, and durable. Fig(s) _____          Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) _____          Mylar, velum paper is not acceptable (too thin). Fig(s) _____</p> <p>4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:          21.0 cm by 29.7 cm (DIN size A4)          21.6 cm by 27.9 cm (8 1/2 x 11 inches)          All drawing sheets not the same size.          Sheet(s) _____          Drawings sheets not an acceptable size. Fig(s) _____</p> <p>5. MARGINS. 37 CFR 1.84(g): Acceptable margins:          Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm          SIZE: A4 Size          Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm          SIZE: 8 1/2 x 11          Margins not acceptable. Fig(s) _____          Top (T) _____ Left (L) _____ Right (R) _____ Bottom (B) _____</p> <p>6. VIEWS. 37 CFR 1.84(h)          REMINDER: Specification may require revision to correspond to drawing changes.          Partial views. 37 CFR 1.84(h)(2)          Brackets needed to show figure as one entity.          Fig(s) _____          Views not labeled separately or properly.          Fig(s) _____          Enlarged view not labeled separately or properly.          Fig(s) _____</p> <p>7. SECTIONAL VIEWS. 37 CFR 1.84 (h)(3)          Hatching not indicated for sectional portions of an object.          Fig(s) _____          Sectional designation should be noted with Arabic or Roman numbers. Fig(s) _____</p>	<p>8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)          Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____</p> <p>9. SCALE. 37 CFR 1.84(k)          Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.          Fig(s) _____</p> <p>10. CHARACTER OF LINES, NUMBERS, &amp; LETTERS. 37 CFR 1.84(j)          Lines, numbers &amp; letters not uniformly thick and well defined; clean, durable, and black (poor line quality). Fig(s) <u>13-20B</u></p> <p>11. SHADING. 37 CFR 1.84(m)          Solid black areas pale. Fig(s) _____          Solid black shading not permitted. Fig(s) _____          Shade lines, pale, rough and blurred. Fig(s) _____</p> <p>12. NUMBERS, LETTERS, &amp; REFERENCE CHARACTERS. 37 CFR 1.84(p)          Numbers and reference characters not plain and legible. Fig(s) _____          Figure legends are poor. Fig(s) _____          Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1)          Fig(s) _____          English alphabet not used. 37 CFR 1.84(p)(2)          Fig(s) _____          Numbers, letters and reference characters must be at least .32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3)          Fig(s) _____</p> <p>13. LEAD LINES. 37 CFR 1.84(q)          Lead lines cross each other. Fig(s) _____          Lead lines missing. Fig(s) _____</p> <p>14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(i)          Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) _____</p> <p>15. NUMBERING OF VIEWS. 37 CFR 1.84(u)          Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____</p> <p>16. CORRECTIONS. 37 CFR 1.84(w)          Corrections not made from prior PTO-948 dated _____</p> <p>17. DESIGN DRAWINGS. 37 CFR 1.152          Surface shading shown not appropriate. Fig(s) _____          Solid black shading not used for color contrast. Fig(s) _____</p>
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COMMENTS

REVIEWER JRDATE 11/2/99

TELEPHONE NO. \_\_\_\_\_

ATTACHMENT TO PAPER NO. 2

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\*\*\* TX REPORT \*\*\*  
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## GROUP 3720 FACSIMILE TRANSMITTAL

**DATE:** January 28, 2003

**TO:** Ms. Maryann Copas

**PHONE:** (505)286-3511

**FAX:** (505)286-3524

**SERIAL NO:** 09/365,613

**ATTY. DK. #:**

**FROM:** Clark Dexter

**PHONE:** (703)308-1404

**AU:** 3724

### FAX NUMBERS:

( PLEASE FAX PAPERS TO THE NUMBER INDICATED BELOW )

**FORMAL PAPERS:** (703)305-3579/3580/3590

**DRAFT PAPERS:** (703)305-9835

**COMMENTS:** The following is a copy of the restriction requirement mailed originally on January 18, 2001 and remailed on November 7, 2002, both to the wrong address.



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**# OF PAGES: 7**  
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